



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>  
TTY: 1-888-835-5322

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DA 17-796

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## STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

### CC Docket No. 02-6

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.<sup>1</sup> The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.<sup>2</sup>

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#### Schools and Libraries (E-rate)

##### CC Docket No. 02-6

#### Dismissed as Moot<sup>3</sup>

Madison-Oneida BOCES, NY, Application No. 1005743, Request for Review, CC Docket No. 02-6 (filed July 31, 2017)

#### Dismissed as Moot<sup>4</sup>

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<sup>1</sup> See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

<sup>2</sup> See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

<sup>3</sup> See, e.g., *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al-Noor High School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (dismissing as moot requests for review where USAC had taken the action the petitioner requested).

Martinsville School District, VA, Application No. 940682, Request for Waiver, CC Docket No. 02-6 (filed June 20, 2016)

Nashua School District, NH, Application Nos. 1044109, 1044359, Request for Waiver, CC Docket No. 02-6 (filed Mar. 31, 2017)<sup>5</sup>

Dismissed on Reconsideration<sup>6</sup>

California Children's Academy, CA, Application No. 171049169, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Central Massachusetts Collaborative, MA, Application No. 171049192, Petition for Reconsideration, CC Docket No. 02-6 (filed July 28, 2017)

Keppel Union School District, CA, Application No. 161038857, Petition for Reconsideration, CC Docket No. 02-6 (filed July 28, 2017)

Poudre School District, CO, Application No. 161042271, Petition for Reconsideration, CC Docket No. 02-6 (filed June 22, 2017)

Dismissed on Reconsideration - Untimely<sup>7</sup>

Texas Juvenile Justice Department, TX, Application No. 327048, Petition for Reconsideration, CC Docket No. 02-6 (filed Mar. 28, 2012)

Granted<sup>8</sup>

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<sup>4</sup> See, e.g., *Requests for Review of Decision of the Universal Service Administrator by Diversified Computer Solutions, Inc.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5250, 5251, para. 3 (WCB 2012) (dismissing appeals as moot where invoicing records demonstrate that the entity was fully compensated for the funding it requested and all submitted invoices funded).

<sup>5</sup> FRNs 2848170, 2848938, and 2858271 have been fully funded.

<sup>6</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

<sup>7</sup> See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

<sup>8</sup> We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

*Granting Additional Time to Respond to USAC's Request for Information*<sup>9</sup>

Chabad of Southern Nevada, NV, Application No. 161011182, Request for Review, CC Docket No. 02-6 (filed June 26, 2017)

Imrei Shufer, NY, Application No. 883521, Request for Waiver, CC Docket No. 02-6 (filed June 8, 2017)

*Late-Filed FCC Form 471 Applications Filed within 14 Days of the Close of the Window*<sup>10</sup>

Cornell School District 426, IL, Application No. 171049159, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Lake Mills Community School, IA, Application No. 171049072, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Madison Community Unit School District 12, IL, Application No. 171049155, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Na Wai Ola Public Charter School, HI, Application No. 171049082, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2017)

Parkland Community Library, PA, Application No. 171048590, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Portsmouth Christian Academy, NH, Application No. 171048970, Request for Waiver, CC Docket No. 02-6 (filed July 12, 2017)

Rochester Stem Academy, MN, Application No. 171049166, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

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<sup>9</sup> See, e.g., *Requests for Review of the Decision of the Universal Service Administrator by Alpaugh Unified School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 6035 (2007); *Requests for Review of Decisions of the Universal Service Administrator by Ben Gamla Palm Beach et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 1876 (WCB 2014) (granting requests for review of applicants that had been denied funding because they failed to respond to USAC's request for information within the USAC-specified time frame). Consistent with precedent, we also find good cause exists to waive sections 54.720(a) and (b) of the Commission's rules for Imrei Shufer, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. See *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (granting waivers of filing deadline for appeals because they submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision); 47 CFR §§ 54.720(a), (b).

<sup>10</sup> See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (*Academy of Math and Science Order*) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days of the FCC Form 471 filing window deadline).

Stetson School, MA, Application No. 171049127, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Talmudical Academy of Baltimore, MD, Application No. 171048359, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

*Ministerial and/or Clerical Errors*<sup>11</sup>

Loma Colorado Library System, NM, Application No. 1050479, Request for Waiver, CC Docket No. 02-6 (filed Aug. 16, 2017)

North Marion School District 15, OR, Application No. 161052784, Request for Waiver, CC Docket No. 02-6 (filed Aug. 3, 2017)

*Unable to Timely Invoice Awaiting USAC Action*<sup>12</sup>

La Joya Municipal Library, TX, Application Nos. 1047096, 1051022, Request for Waiver, CC Docket No. 02-6 (filed July 17, 2017)

Denied

*Improper Service Provider Involvement in FCC Form 470*<sup>13</sup>

Asbury Park Public Library, NJ, Application No. 229937, Request for Review, CC Docket No. 02-6 (filed Apr. 30, 2007)

*Invoice Deadline Extension Requests*<sup>14</sup>

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<sup>11</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15521-22, nn.19 & 21 (WCB 2008) (permitting correction of error concerning copying wrong price from a contract and mislabeling eligible services on an Item 21); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, para. 2, n.13 & n.16 (WCB 2010) (permitting applicants to correct the error of entering the discounted rate instead of the pre-discounted rate or failing to separately list the buildings where purchase was to be provided).

<sup>12</sup> See, e.g., *Request for Review and/or Waiver of Decisions of the Universal Service Administrator by Ada Public Library; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 32 FCC Rcd 1909, 1911-12, paras. 6, 9 (WCB 2017) (granting a waiver for applicants who were unable to file a BEAR form because they were either waiting for USAC to provide an FCC Form 498 ID or personal identification number at the time of the deadline due to one-time influx of requests in the fall of 2016 or they were waiting for USAC approval of a timely-filed request).

<sup>13</sup> See *Requests for Waiver and Review of Decision of the Universal Service Administrator by Networks and More! Inc. et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 2564, 2565, para. 2 (WCB 2012) (*Networks and More! Order*) (finding improper service provider involvement in the competitive bidding process by Networks and More! Inc. with respect to Asbury Park Public Library's Application No. 229937). Asbury Park Public Library also has an application for review pending with respect to the *Networks and More! Order* on the same subject matter. The Bureau now resolves Asbury Park Public Library's 2007 appeal, and the library now has the right to seek Bureau or Commission review again within the rules' time for filing and related requirements should it so desire. See *supra* note 2.

All Saints Episcopal School, TX, Application No. 1014797, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2017)

Brownsville Independent School District, TX, Application No. 816612, Request for Waiver, CC Docket No. 02-6 (filed July 18, 2017)

Hamden Hall Country Day School, CT, Application No. 997653, Request for Waiver, CC Docket No. 02-6 (filed June 14, 2017)

Sierra Telephone (Mariposa Unified School District), CA, Application No. 1039536, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2017)

Western Tel-Com (Taylor School District), MI, Application No. 1028174, Request for Waiver, CC Docket No. 02-6 (filed May 25, 2017)

Wilmington Public Schools, MA, Application No. 1001937, Request for Waiver, CC Docket No. 02-6 (filed Apr. 11, 2017)<sup>15</sup>

*Late-Filed FCC Form 471 Applications*<sup>16</sup>

Anoka County Community Action Program, Inc., MN, Application No. 171049390, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2017)

Anoka County Community Action Program, Inc., MN, Application No. 171049389, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2017)

Barberton City School District, OH, Application No. 171020156, Request for Waiver, CC Docket No. 02-6 (filed May 23, 2017)

Bellevue Community School District, IA, Application No. 171049399, Request for Waiver, CC Docket No. 02-6 (filed July 10, 2017)

Cobleskill Richmondville Central School District, NY, Application No. 171049237, Request for Waiver, CC Docket No. 02-6 (filed Aug. 7, 2017)

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<sup>14</sup> See, e.g., *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); see also *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

<sup>15</sup> Notwithstanding the assertion that this request was postmarked October 27, 2017, USAC received an envelope postmarked November 7, 2016.

<sup>16</sup> See, e.g., *Academy of Math and Sciences Order*, 25 FCC Rcd at 9259, para. 8 (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Cornerstone Academy, CA, Application No. 171049222, Request for Waiver, CC Docket No. 02-6 (filed June 2, 2017)

FitKids, Inc. dba Champion School, AZ, Application No. 171049151, Request for Waiver, CC Docket No. 02-6 (filed Aug. 4, 2017)

Joeten-Kiyu Public Library, MP, Application Nos. 171049471, 171049472, 171049473, Request for Waiver, CC Docket No. 02-6 (filed July 27, 2017)

Kinder Cub School, FL, Application No. 171043804, Request for Waiver, CC Docket No. 02-6 (filed May 12, 2017)

Los Angeles International Charter High School, CA, Application No. 171049499, Request for Waiver, CC Docket No. 02-6 (filed Aug. 1, 2017)

Meadowland Charter District, TX, Application No. 171049238, Request for Waiver, CC Docket No. 02-6 (filed June 7, 2017)

Our Lady of Lourdes Interparish School, MO, Application No. 171049498, Request for Waiver, CC Docket No. 02-6 (filed Aug. 2, 2017)

Ponca Tribal Library, OK, Application Nos. 171049322, 171049323, Request for Waiver, CC Docket No. 02-6 (filed July 17, 2017)

Racine Unified School District, WI, Application No. 171049437, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2017)

Radiant Life Academy, FL, Application Nos. 171049478, 171049479, 171049480, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Rochester Stem Academy, MN, Application No. 171049168, Request for Waiver, CC Docket No. 02-6 (filed July 24, 2017)

Scattergood Friends School, IA, Application No. 171015562, Request for Waiver, CC Docket No. 02-6 (filed July 13, 2017)

Southern Berkshire Regional School District, MA, Application No. 171049448, Request for Waiver, CC Docket No. 02-6 (filed July 17, 2017)

St. Cornelius School, CA, Application No. 171049313, Request for Waiver, CC Docket No. 02-6 (filed July 19, 2017)

St. Francis of Assisi, OH, Application No. 171049537, Request for Waiver, CC Docket No. 02-6 (filed Aug. 11, 2017)

Sunnydale Adventist Academy, MO, Application No. 171049409, Request for Waiver, CC Docket No. 02-6 (filed July 25, 2017)

Tallassee Community Library, AL, Application No. 171049403, Request for Waiver, CC Docket No. 02-6 (filed July 20, 2017)

The Learning Tree Cultural Preparatory School, NY, Application No. 171028238, Request for Waiver, CC Docket No. 02-6 (filed Aug. 16, 2017)

Vision Preparatory Charter School, TN, Application Nos. 171049476, 171049477, Request for Waiver, CC Docket No. 02-6 (filed July 21, 2017)

*Untimely Filed Requests for Review*<sup>17</sup>

Frontier Communications (New Haven Public School District), CT, Application No. 939397, Request for Waiver, CC Docket No. 02-6 (filed Aug. 1, 2016)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at [kate.dumouchel@fcc.gov](mailto:kate.dumouchel@fcc.gov) or at (202) 418-7400.

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<sup>17</sup> See, e.g., *Requests for Review of Decisions of the Universal Service Administrator by Agra Public Schools I-134 et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684 (WCB 2010); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823 (WCB 2014) (denying appeals on the grounds that the petitioners failed to submit their appeals either to the Commission or to USAC within 60 days, as required by the Commission's rules, and did not show special circumstances necessary for the Commission to waive the deadline).